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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,684	11/20/2006	Kars-Michiël Hubert Lenssen	NL 020920	1688

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

NGUYEN, TAN

ART UNIT	PAPER NUMBER
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2827

MAIL DATE	DELIVERY MODE
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08/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,684

Applicant(s)

LENSSEN, KARS-MICHIEL
HUBERT

Examiner

Tan T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS; WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- ☐ Notice of Informal Patent Application
- ☐ Other: ____

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1. The disclosure is objected to because of the following informalities:

In claim 12, line 4, should the word "date" be changed to --data--.

Appropriate correction is required.

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-9, 11-12 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 and 7-8, 10-11, 17-18 of copending Application No. 10/529,685. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1 and 7 of copending Application No. 10/529,685 recites the same elements in claims 1-2 of the present application.

Regarding claim 1 of the present application, claim 1 of copending Application No. 10/529,685 recites a memory device comprising an information plane comprising an

electro-magnetic material constituting an array of bit locations, a magnetic state of said material at a bit location representing the value thereof, and an array of electro-magnetic sensor elements that are aligned with the bit locations, characterized in that the magnetic state of said material is programmable or programmed via a separate writing device.

Regarding claim 2 of the present application, claim 7 of copending application No. 10/529,685 recites the electro-magnetic sensor element comprises read-only sensor elements that are sensitive to, but unable to change, said magnetic state of the electromagnetic material.

Regarding claims 3 and 9 of the present application, claim 2 of copending application No. 10/529,685 recites the device comprises a housing for encapsulating the array of electro-magnetic sensor elements, which housing has an interface surface for cooperating with a programming surface of the writing device.

Regarding claim 4 of the present application, claim 3 of copending application No. 10/529,685 recites the device comprises a housing for encapsulating the array of electro-magnetic sensor elements, which housing has a protective cover.

Regarding claim 6 of the present application, claim 8 of copending application No. 10/529,685 recites the electro-magnetic sensor elements are provided with electrical conductors for conducting a programming current for generating a magnetic field of sufficient strength for setting the magnetic state at the corresponding bit location when heated to the programming temperature.

Regarding claim 7 of the present application, claim 1 of copending application No. 10/529,685 recites the memory device includes an array of electro-magnetic sensor elements.

Regarding claim 8 of the present application, claim 10 of copending application No. 10/529,685 recites the writing device comprising a programming surface for cooperating with the information plane of the memory device, and claim 11 of copending application No. 10/529,685 recites means for generating a magnetic field at the programming surface for setting the magnetic state of the electro-magnetic material at the bit locations.

Regarding claim 5 of the present application, it is conventional that the protective cover in claim 2 of magnetic memory device would be form of magnetically shielding material. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the memory device in the copending application No. 10/529,682 by using magnetically shielding material for the protective cover.

The rationale is as follows: A person of ordinary skill in the art would have been motivated to use the magnetically shield material for the protective cover to prevent unselected memory cell being disrupted by the magnetic field in programming operation.

Regarding claims 11-12 of the present application, claim 17 of the copending application No. 10/529,685 recites the method comprising programming the device by setting the magnetic state of the electro-magnetic material at the bit locations according

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predefine data, and claim 18 of copending application 10/529,685 recites the programming is performed before encapsulating the device.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

4. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Spitzer and Mehdipour are cited to show magnetic memory devices having detector array.

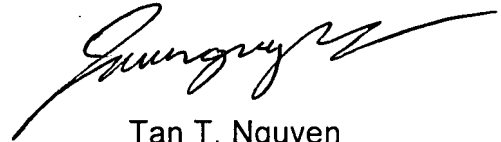
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan T. Nguyen whose telephone number is (571) 272-1789. The examiner can normally be reached on Monday to Friday from 07:00 AM to 03:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian, can be reached at (571) 272-1852. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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Tan T. Nguyen
Primary Examiner
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July 30, 2007